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Dkt. 0687/74768-AAA/JPW/GJG/MJP

**THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Michael Wayne Graham et al.

Serial No. : 10/821,726 Examiner : Vivlemore, Tracey A.

Filed : April 8, 2004 Art Unit : 1635

For : SYNTHETIC GENES AND GENETIC CONSTRUCTS

30 Rockefeller Plaza  
20<sup>th</sup> Floor  
New York, New York 10112  
May 4, 2009

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**AMENDMENT IN RESPONSE TO NOVEMBER 3, 2008 OFFICE ACTION,  
PETITION FOR THREE-MONTH EXTENSION OF TIME**

This Amendment is submitted in response to the November 3, 2008 Office Action issued by the United States Patent and Trademark Office in connection with the above-identified application. A response to the November 3, 2008 Office Action was due February 3, 2009. Applicants hereby petition under 37 C.F.R. §1.136(a) for a three-month extension of time. The fee for a three-month extension of time under 37 C.F.R. §1.17(a)(3) is one thousand one-hundred and ten dollars (\$1,110.00) and a check including this amount is enclosed. With a three-month extension of time, a response to the November 3, 2008 Office Action is due May 3, 2009. However, because May 3, 2009 is a Sunday, a response filed the next succeeding business day, i.e. Monday, May 4, 2009, is considered timely under 37 C.F.R. §1.7. Accordingly, this response is being timely filed.

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**Amendments to the Claims** begin on page **3** of this document.

**Remarks** begin on page **8** of this document.

- Discussion of **Support for New Claims** begins on page **8**.
- Discussion of **Claim Interpretation** begins on page **12**.
- Discussion of **Claim Objections** begins on page **13**.
- Discussion of **Written Description Rejections** begins on page **14**.
- Discussion of **Obviousness Rejections based on Fire et al. in view of Agrawal et al., Chatterjee et al., Gold et al., and Kotin et al.** begins on page **17**.

Please amend the subject application as follows: